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OFFICE OF PETITIONS

In re Application of
Robert Henry Francis
Application No. 09/771,799
Filed: January 29, 2001
Attorney Docket No.

DECISION ON
PETITION

This is a decision on the petition under 37 CFR 1.181(a) filed September 6, 2005.

The petition is **granted**.

This application became abandoned for failure to file a timely reply to the final Office action mailed February 1, 2005. The Notice set forth an extendable statutory period for reply of three months from its mailing date. No response was believed to have been received within the allowed period and the application was held abandoned on May 1, 2005. A Notice of Abandonment was mailed August 22, 2005.

Applicant has demonstrated that a timely response to the final Office action was filed. A continuing application 11/173,024 was filed on July 1, 2005, accompanied by an request for an extension of time within the second month. Thus, a timely response to the final Office action was filed and the holding of abandonment was improper. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded to Technology Center 2100, GAU 2121 for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned, at (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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